



Costs Decision

Site visit made on 16 September 2024

by A Hickey MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 November 2024

Costs application in relation to Appeal Ref: APP/J0405/W/24/3339826 Mount Pleasant Farm, Dunton Road, Stewkley, Buckinghamshire LU7 0LU

- The award is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Robert Webb of Webb Brothers for a full award of costs against Buckinghamshire Council - North Area (Aylesbury).
 - The appeal was against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) for determination as to whether prior approval is required in respect of transport, highway impact, noise, contamination risk, flooding for the conversion of an agricultural building into 3 dwelling houses Class Q (a) and in relation to design and external appearance of the building Class Q (b) at Mount Pleasant Farm, Dunton Road, Stewkley, Buckinghamshire LU7 0LU.
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Decision

1. The application for an award of costs is refused.

Reasons

2. Parties in planning appeals normally meet their own expenses. However, the Planning Practice Guidance (PPG) advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. The applicant considers the Council has behaved both unreasonably as there was no substantive basis for refusing the prior approval application and procedurally given an application for prior approval was required. The applicant's claim for costs is on the basis of three grounds. I shall cover each in turn.
4. Firstly, the applicant is seeking costs in relation to the time taken to make the prior approval application. The provisions of the GPDO permit development, including the conversion of farm buildings, but this is subject to conditions. In relation to development under Class Q, development is permitted subject to the condition that before beginning the development, the developer (the applicant in this case) must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to the criteria listed at (a)-(g). As the applicant was required by condition set out in the GPDO to apply to the Council, I find no unreasonable behaviour has occurred.
5. The applicant's second ground is that in refusing prior approval, the Council failed to take into account the findings of the submitted acoustic assessment. The acoustic assessment parameters were agreed upon by the Council's

Environmental Officer, who offered no objection to the prior approval application, subject to the imposition of a condition.

6. For the reasons given in my appeal decision, I concurred with the Council's conclusion that the location and siting of the building make it otherwise impractical or undesirable for the building to change from agricultural use to a use falling within Class C3 (dwellinghouses). The submitted acoustic assessment did not take into consideration an intensification of the farming activity or implementation of extant permissions on the wider site. Therefore, it was a legitimate matter of planning judgement by the case officer as to whether there would be an impractical or undesirable effect arising from the proposed development, the reasoning for which was set out in the officer report in a clear and precise manner.
7. Thirdly, the applicant is seeking costs for having to make the appeal. I have found the Council to have behaved reasonably in all other respects as such, the appeal would not otherwise have been avoided.

Conclusion

8. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. An award of costs is therefore not justified.

A Hickey

INSPECTOR